IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA

| Reco Miller, #310609, a/k/a Reco Lamont Miller, #310609, |) C/A No.: 4:18-1905-BHH) |
|--|-------------------------------|
| Plaintiff, | ORDER AND OPINION |
| VS. |)) |
| South Carolina Department of Corrections, Medical Staff Members and Officials, |))) |
| Defendants. |)) |

This matter is before the Court for review of the Report and Recommendation of United States Magistrate Thomas E. Rogers, III, made in accordance with 28 U.S.C. § 636(b) and Local Rule 73.02 for the District of South Carolina. On August 30, 2018, the Magistrate Judge issued a Report and Recommendation ("Report") recommending that Plaintiff's complaint be dismissed without prejudice, and without issuance and service of process, and that all pending motions be denied as moot. (ECF No. 27.)

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this Court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). The Court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. *Id.* The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made.

Plaintiff was granted an extension to file objections (ECF No. 32), but no

objections were filed and the time for doing so expired on October 3, 2018. In the

absence of objections to the Magistrate Judge's Report, this Court is not required to

provide an explanation for adopting the recommendation. See Camby v. Davis, 718

F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a

district court need not conduct a de novo review, but instead must 'only satisfy itself that

there is no clear error on the face of the record in order to accept the recommendation."

Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quoting

Fed. R. Civ. P. 72 and advisory committee's note).

Here, because no objections have been filed, the Court has reviewed the

Magistrate Judge's findings and recommendations for clear error. Finding none, the

Court agrees with the Magistrate Judge that Plaintiff's claims against Defendants are

subject to summary dismissal.

Accordingly, the Report and Recommendation is adopted and incorporated

herein by reference, and this action is DISMISSED with prejudice.

IT IS SO ORDERED.

<u>/s/Bruce Howe Hendricks</u> United States District Judge

October 16, 2018 Charleston, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure.